



An  
Bord  
Pleanála

**Board Order**  
**ABP-318460-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 22/1204**

**Appeal** by Joe McHugh of Ballaghbawn, Belclare, Tuam, County Galway against the decision made on the 19<sup>th</sup> day of October, 2023 by Galway County Council to grant subject to conditions a permission to Frank Mortimer Limited care of Patrick O'Donnell Construction Services of Buckwaria Road, Tonranny, Westport, County Mayo in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Importation of inert soil and stone material for the site restoration of a former gravel pit (area of 3.9 hectares), at a maximum rate of 24,000 tonnes per annum (175,000 tonnes total) along with permission to construct a wheelwash, weighbridge and minor alterations to the existing site entrance for a period of 10 years and all associated ancillary works at Brackloon, Ballyglunin, Tuam, County Galway. The proposed development was revised by further public notices received by the planning authority on the 28<sup>th</sup> day of August, 2023.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to policy objective MEQ 4 - Landscaping Plans of Chapter 4 - Rural Living and Development of the Galway County Development Plan 2022-2028, the location of the site in the Central Galway Complex classified as a landscape with low sensitivity, the provisions of the development plan, the National Waste Management Plan for a Circular Economy 2024-2030, and the scale and nature of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and visual amenity, and would not be likely to have a significant detrimental effect on ecology or protected species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report, that Lough Corrib Special Area of Conservation (Site Code:000297) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

## **Appropriate Assessment**

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the affected European Site, namely Lough Corrib Special Area of Conservation (Site Code:000297), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28<sup>th</sup> day of August 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission shall apply for a period of 10 years from the date of this Order. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

**Reason:** To enable a review of the effect of the development on the amenities of the area.



3. Mitigation and monitoring measures outlined in the plans and particulars, including in the Natura Impact Statement, Ecological Impact Assessment and Hydrogeological Report submitted with this application, shall be carried out in full.

**Reason:** To protect biodiversity and to protect the integrity of the European Sites.

4. The developer shall submit annually to the planning authority for the lifetime of this permission, a record of the quantity of material imported into the site and details, including drawings, which will facilitate the planning authority in monitoring the progress of the phases of restoration.

**Reason:** In order to facilitate monitoring and control of the development by the planning authority.

5. The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 175,000 tonnes in total over the period referred to in condition number 2 of this Order and shall not exceed 24,000 tonnes in any one year with the number of deliveries limited to a maximum of 15 number loads per day.

**Reason:** In the interests of clarity and traffic safety

6. Only clean, uncontaminated soil and stones shall be imported into the site. The final use of the site after completion of the importation of materials shall be for agricultural purposes only and the lands shall be reinstated, and short access way haulage route removed.

**Reason:** In the interests of clarity and amenity.

7. Detailed design of all surface management measures shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) Details of all native planting proposed on existing and proposed screen berms and details of ongoing care and management of such planting.
- (b) A detailed landscape plan, which shall include details of all native planting, hedging and boundary treatment to be undertaken on completion of backfilling.
- (c) Details of entrance barrier/gate to the site.
- (d) Any clearance of vegetation from the development site shall only be carried out in the period between the 1<sup>st</sup> of September and the end of February, that is, outside the main bird breeding season.

**Reason:** In the interest of visual amenity and to safeguard the amenities of the area.

9. The site development works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

10. The detailed design of the entrance, signage and any works to the public road network shall be submitted to and agreed in writing with the planning authority prior to commencement of development. All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interests of public safety and amenity.

11. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, project roles and responsibilities and refuelling of plant on site. Fuel tanks shall not be permanently stored on site.

**Reason:** In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

12. The importation of inert soil, stone and topsoil and the operation of associated machinery shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays, bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of good traffic management and to protect the amenities of the area.

13. All trees and hedgerows on the boundaries of the site shall be retained and maintained. Retained trees and hedgerows shall be protected from damage during construction and infill development works.

**Reason:** To protect trees and planting during the construction and infill period, in the interest of visual amenity and biodiversity.

14. During the restoration phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-

- (a) an L<sub>Ar,T</sub> value of 55 dB(A) between the hours of 0800 and 1800 from Mondays to Fridays, between the hours of 0800 and 1400 on Saturdays (excluding public holidays), and
- (b) an L<sub>Aeq, T</sub> value of 45 dB(A) at any other time.

**Reason:** To protect the residential amenities of property in the vicinity.





15. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the details and schedule of works adjacent to the railway line that address the matters referred to by Irish Rail in their submission on this application dated 21st December 2022. Any works associated with the proposed development including boundary treatments and landscaping shall ensure that the integrity of the embankment adjacent to the railway line is maintained and that road bridges are protected from damage.

**Reason:** To protect the railway and in the interest of public safety.



**Martina Hennessy**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



Dated this 11<sup>th</sup> day of December 2024.